

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	) Chapter 11
	)
W. R. GRACE & CO., et al., <sup>1</sup>	) Case No. 01-01139 (AMC)
	) (Jointly Administered)
Reorganized Debtor.	)
	) BAP Case no. 21-00016
	)
	) C.A. no. 21-460-LPS
	)
	) <b>Related Documents: 33216 33217, and 33241</b>
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**THE REORGANIZED DEBTOR’S COUNTER-DESIGNATION OF THE RECORD  
ON APPEAL AND COUNTER-STATEMENT OF ISSUES IN APPEAL CAPTIONED  
SMOLKER V. W. R. GRACE & CO. (IN RE W. R. GRACE & CO.)**

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Pursuant to Fed. R. Bankr. P. 8009(a)(3) and Del. Bankr. L. R. 8009-1, the above-captioned Reorganized Debtor (also as the case may be, the “Appellee”) hereby submits its counter-designation of items to be included in the record on appeal. This list supplements the list designated in *Appellant Gary Smolker’s Designation of Record on Appeal and Statement of Issues on Appeal*, filed on July 8, 2021 [Docket No. 33241].

Filing Date	#	Docket Text
2/03/2014	31700 (31 pgs; 2 docs)	<i>Notice of Satisfaction or Waiver of Conditions to Occurrence of Effective Date of Plan</i> (related document(s)26368). Filed by W.R. Grace & Co., et al.. (Attachments: # 1 Certificate of Service and Service List) (O'Neill, James) Modified on 2/4/2014 (SJS). (Entered: 02/03/2014)
02/13/2014	31732 (4 pgs)	Notice of Effective Date <i>NOTICE OF OCCURRENCE OF THE EFFECTIVE DATE OF THE FIRST AMENDED JOINT PLAN OF REORGANIZATION UNDER CHAPTER 11 OF THE BANKRUPTCY CODE OF W. R. GRACE AND CO., ET AL, THE OFFICIAL COMMITTEE OF ASBESTOS PERSONAL INJURY CLAIMANTS, THE ASBESTOS PI</i>

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<sup>1</sup> W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc., or “Grace”) is the sole remaining “Reorganized Debtor,” and Case No. 01-1139 is the sole remaining open chapter 11 case.

Filing Date	#	Docket Text
		<i>FUTURE CLAIMANTS REPRESENTATIVE, AND THE OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS AS MODIFIED THROUGH DECEMBER 23, 2010</i> (related document(s)26155, 26289) Filed by W.R. Grace & Co., et al.. (O'Neill, James) (Entered: 02/13/2014)
01/30/2015	32497 (98 pgs; 10 docs)	<i>Thirty-Seventh Omnibus Objection to Certain Claims Filed Regarding Prepetition Litigation Captioned, TIG Insurance Company v. Gary Smolker, et al., Case No. BC 173952 (Los Angeles County SUP, CT.) (Janavs, J.) (Substantive Objection).</i> Filed by W.R. Grace & Co., et al.. Hearing scheduled for 3/4/2015 at 10:00 AM at US Bankruptcy Court, 824 Market St., 5th Fl., Courtroom #5, Wilmington, Delaware. Objections due by 3/2/2015. (Attachments: # 1 Notice # 2 Exhibit A # 3 Exhibit B # 4 Exhibit C # 5 Exhibit D # 6 Exhibit E # 7 Exhibit F # 8 Exhibit G # 9 Certificate of Service and Service List) (O'Neill, James) Modified docket text on 2/2/2015 (LMD). (Entered: 01/30/2015)
02/03/2015	32501 (11 pgs; 2 docs)	<i>Amended Notice of Thirty-Seventh Omnibus Objection to Certain Claims Filed Regarding Prepetition Litigation Captioned, TIG Insurance Company v. Gary Smolker, et al., Case No. BC 173952 (Los Angeles County SUP, CT.) (Janavs, J.) (Substantive Objection).</i> (related document(s)32497) Filed by W.R. Grace & Co., et al.. Hearing scheduled for 3/4/2015 at 10:00 AM at US Bankruptcy Court, 824 Market St., 5th Fl., Courtroom #5, Wilmington, Delaware. (Attachments: # 1 Certificate of Service and Service List) (O'Neill, James) Modified docket text on 2/4/2015 (LMD). (Entered: 02/03/2015)
02/27/2015	32510 (8 pgs)	<i>Response to the Thirty-Seventh Omnibus Objection to Certain Claims filed Regarding Prepetition Litigation Captioned TIG Insurance Company v Gary Smolker, et.al., Case No. BC173952 (Los Angeles County Superior Court), Dated January 30, 2015 ("the 37th Omnibus Objection").</i> (related document(s)32497) Filed by Gary S. Smolker (LMD) (Entered: 02/27/2015)
03/04/2015	32516 (2 pgs)	Hearing Held/Court Sign-In Sheet (related document(s) 32504, 32512) (LMD) (Entered: 03/04/2015)
03/04/2015	32522 (7 pgs)	<i>Affidavit of Service</i> for service of [Signed] <i>Thirty-Seventh Omnibus Objection to Certain Claims Filed Regarding Prepetition Litigation Captioned, TIG Insurance Company v.</i>

Filing Date	#	Docket Text
		<i>Gary Smolker, et al., Case No. BC 173952 (Los Angeles County Sup. Ct.) (Janavs, J.) (Substantive Objection).</i> (related document(s)32518) Filed by W.R. Grace & Co., et al.. (O'Neill, James) Modified docket text on 3/6/2015 (LMD). (Entered: 03/04/2015)
08/03/2020	<a href="#">33155</a> (7 pgs; 3 docs)	<i>Certification of Counsel Regarding Omnibus Hearing Date</i> Filed by W.R. Grace & Co., et al.. (Attachments: # <a href="#">1</a> Proposed Form of Order # <a href="#">2</a> Certificate of Service and Service List) (O'Neill, James) (Entered: 08/03/2020)
9/02/2020	33159 (7 pgs; 2 docs)	<i>Notice of Rescheduled Hearing / Telephonic Status Conference</i> Scheduled for September 2, 2020 at 2:00 p.m. Hearing Originally Scheduled for 9/2/20 at 2:00 p.m. has been rescheduled. Filed by W.R. Grace & Co., et al.. (Attachments: # 1 Certificate of Service and Service List) (O'Neill, James) (Entered: 09/02/2020)
09/18/2020	33160 (6 pgs; 2 docs)	HEARING CANCELLED. <i>Notice of Agenda of Matters</i> not going forward. The following hearing has been cancelled. Filed by W.R. Grace & Co., et al.. (Attachments: # 1 Certificate of Service) (O'Neill, James) (Entered: 09/18/2020)
10/02/2020	33163 (2 pgs)	<i>Scheduling Order</i> (related document(s)33154) The case judge is Ashely M. Chan. Signed on 10/1/2020. (BJM) Modified on 10/5/2020 to Correct Order "Signed on" Date (LB). (Entered: 10/02/2020)
10/21/2020	33164 (7 pgs; 3 docs)	<i>Certification of Counsel Regarding Omnibus Hearing Date</i> Filed by W.R. Grace & Co., et al.. (Attachments: # 1 Proposed Form of Order # 2 Certificate of Service) (O'Neill, James) (Entered: 10/21/2020)
12/16/2020	33171 (2 pgs)	<i>Notice of Hearing.</i> Hearing scheduled 1/8/2021 at 10:00am. Dial in information: 1-877-873-8017. Passcode: 3027681. (related document(s)33170) Filed by The case judge is Ashely M. Chan. (BJM) Modified on 12/16/2020 (BJM). (Entered: 12/16/2020)
12/18/2020	33174 (79 pgs)	<i>BNC Certificate of Mailing.</i> (related document(s)33172) Notice Date 12/18/2020. (Admin.) (Entered: 12/19/2020)
12/22/2020	33175 (2 pgs)	<i>Amended Scheduling Order</i> (related document(s)33154, 33163) Order Signed on 12/22/2020. (BA) (Entered: 12/22/2020)

<b>Filing Date</b>	<b>#</b>	<b>Docket Text</b>
12/22/2020	33176 (2 pgs)	<i>Certificate of Service Regarding [Signed] Amended Scheduling Order</i> (related document(s)33175) Filed by W.R. Grace & Co., et al.. (O'Neill, James) (Entered: 12/22/2020)
01/06/2021	33180 (8 pgs; 2 docs)	<i>Agenda of Matters Scheduled for Telephonic Hearing. Hearing</i> scheduled for 1/8/2021 at 10:00 a.m. and 12:00 p.m. Filed by W.R. Grace & Co., et al.. (Attachments: # 1 Certificate of Service and Service List) (O'Neill, James) Modified Text on 1/6/2021 (LB). (Entered: 01/06/2021)
01/20/2021	33183 (282 pgs; 7 docs)	<i>Reply in Support of Grace's Motion for Summary Judgment Pursuant to Fed. R. Bankr. P. 7056 for Disallowance of Claim No. 392, Filed By Gary S. Smolker, and Related Claims, Nos. 382 and 4070, Filed By Home Savings Termite Control, Inc, and Wayne Morris, Respectively</i> (related document(s)33154, 33157, 33177) Filed by W.R. Grace & Co., et al. (Attachments: # 1 Exhibit A - Supplemental Declaration # 2 Exhibit A-1 Superior Court Reply # 3 Exhibit A-2 Higgins Declaration # 4 Exhibit A-3 Confirmation of Filing # 5 Exhibit B Transcript # 6 Certificate of Service and Service List) (O'Neill, James) (Entered: 01/20/2021)
01/28/2021	33189 (8 pgs; 2 docs)	<i>Agenda of Matters Scheduled for Telephonic Hearing</i> Filed by W.R. Grace & Co., et al.. (Attachments: # 1 Certificate of Service and Service List) (O'Neill, James) (Entered: 01/28/2021)
02/26/2021	33209 (230 pgs; 5 docs)	<i>Notice of Service // Notice of Items in the Record Showing Causes of Action Remaining as of the Petition Date Against Termite Control and Mr. Morris in the California State Court Litigation</i> (related document(s)33154, 33157, 33177, 33183, 33185, 33197, 33198) Filed by W.R. Grace & Co., et al.. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Certificate of Service and Service List) (O'Neill, James) (Entered: 02/26/2021)
03/04/2021	33210	HEARING CANCELLED- Objections to be sustained and opinion under advisement. (BJM) Modified on 3/4/2021 (BJM). (Entered: 03/04/2021)
03/04/2021	33211 (2 pgs)	<i>Certificate of No Objection /Certification of No Response From Home Savings Termite Control, Inc. and Wayne Morris Regarding Motion for Summary Judgment Pursuant to Fed.R.Bankr.P. 7056 for Disallowance of Claim No. 392,</i>

<b>Filing Date</b>	<b>#</b>	<b>Docket Text</b>
		<i>Filed by Gary S. Smolker, and Related Claims, Nos. 382 and 4070, Filed by Home Savings Termite Control, Inc. and Wayne Morris, Respectively</i> (related document(s)33154, 33198, 33199) Filed by W.R. Grace & Co., et al.. (O'Neill, James) (Entered: 03/04/2021)
03/11/2021	33213 (46 pgs)	<i>Transcript regarding Hearing Held 2/1/2021 RE: Motion for Summary Judgment. Remote electronic access to the transcript is restricted until 6/9/2021. The transcript may be viewed at the Bankruptcy Court Clerk's Office. For information about how to obtain a transcript, call the Clerk's Office or Contact the Court Reporter/Transcriber, Veritext, at Telephone number (888)406-2250. Notice of Intent to Request Redaction Deadline Due By 3/18/2021. Redaction Request Due By 4/1/2021. Redacted Transcript Submission Due By 4/12/2021. Transcript access will be restricted through 6/9/2021. (BJM)</i> (Entered: 03/11/2021)
03/16/2021	33216 (41 pgs)	<i>Opinion</i> (related document(s)33154, 33212, 33214) (BJM) (Entered: 03/16/2021)
03/16/2021	33217 (1 pg)	<i>Order Granting Debtor's Motion For Summary Judgment. (Related Doc # 33154) Order Signed on 3/16/2021. (BJM)</i> (Entered: 03/16/2021)

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Dated: July 21, 2021

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And

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*/s/ James E. O'Neill*

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